

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

GSARWAR INC., et al.,

Defendants.

No. 2:21-cv-02032-MCE-JDP

ORDER

Plaintiff's motion for entry of default judgment was heard before the assigned Magistrate Judge on March 31, 2022. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(19) and 28 U.S.C. § 636(b)(1).

On September 15, 2022, the magistrate judge filed findings and recommendations herein which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by


the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 15, 2022, are ADOPTED in full;
2. Plaintiff's motion for default judgment, ECF No. 9, is GRANTED;
3. Plaintiff is awarded statutory damages under the Unruh Act in the amount of \$4,000;
4. Plaintiff is granted an injunction requiring defendants to remove the architectural barriers described in the complaint;
5. Plaintiff is awarded attorneys' fees and costs in the amount of \$1,984.25; and
6. Not later than seven (7) days following the date this Order is electronically filed, Plaintiff is directed to notify the court of whether he intends to dismiss his claim under California Health and Safety Code. Failure to timely notify the Court will result in dismissal of that cause of action with prejudice upon no further notice to the parties.

IT IS SO ORDERED.

DATED: October 11, 2022

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE